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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,913	04/25/2001	Masahiro Suzuki	032378.01	6830

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/840,913

### Applicant(s)

SUZUKI ET AL.

### Examiner

LUONG T NGUYEN

### Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 08/854,347.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/25/01</u> | 6) <input type="checkbox"/> Other: ____  |

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### **DETAILED ACTION**

1. Per request, the Examiner made a phone call on 9/3/04 to Mr. Adam Neff, the representative of Applicant, to ask for the Preliminary Amendment; Mr. Adam Neff stated that there is no Preliminary Amendment filed at this time, and agreed to examine the Application based on the original claim filed on 04/25/01.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/854,347, filed on 5/12/1997.

#### ***Drawings***

3. The drawings are objected to because of informalities addressed following.

In figure 3a, in step S2, "Amounts" should be changed to --Amount S--;

In figure 3a, in step S10, "Amounts" should be changed to --Amount S--.

Correction is required.

#### ***Objection***

4. Claims 1-6 are objected to because of informalities:

Claim 1 (lines 7-8), claim 7 (lines 7-8), "an exposure" should be changed to --the exposure--.

Claim 2 (line 9), claim 8 (line 11), "a prescribed value" should be changed to  
--the prescribed value--.

Claims 2-6 are objected as being dependent on claim 1.

Claims 8-11 are objected as being dependent on claim 7.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 3, the limitation "the first exposure amount, the second exposure amount and the third exposure amount" is disclosed in specification, pages 6-11. However, there is no explanation of the limitation "**a ratio of light** of the first exposure amount, the second exposure amount and the third exposure amount is 1:4:16" .

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-2, 4-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsai (US 5,309,243).

Regarding claims 1 and 2, Tsai discloses a method and apparatus for extending the dynamic range of an electronic imaging system, comprising an electronic camera, disclosed as an electronic camera 100 (figure 1, column 4, line 30-35); a photoreceptor device, disclosed as, electronic image sensor 120 (figure 1, column 4, lines 45-55); a setting device, disclosed as camera control processor 170 (figure 1, column 4, line 66 through column 5, line 8); a calculation device, disclosed as electronic data processing unit 300 (figure 1, column 2, lines 8-45, column 4, line 66 through column 5, line 54); first exposure amount, disclosed as exposure level  $N+1$  (column 5, lines 1-54); second exposure amount, disclosed as exposure level  $N$  (column 5, lines 154); a third exposure amount disclosed as exposure level  $N-1$  (column 5, lines 1-54); optimum exposure amount, disclosed as exposure level  $N+1/2$  (column 5, lines 1-54); a prescribed value, disclosed as  $1/2$  (column 5, lines 1-54). Note that. the difference between exposure level  $N$  and exposure  $N+1$  is 1.

Regarding claims 4 and 9, Tsai discloses the first exposure amount, the second exposure amount and the third exposure amount correspond to different shutter speed (column 6, lines 11-25).

Regarding claims 5 and 10, Tsai discloses a memory device as framestore 200 (figure 1, column 4, lines 54-64).

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Regarding claims 6 and 11, Tsai discloses the electronic camera continues to change the selected exposure amount until an output of the photoreceptor device corresponding to the selected exposure amount is within a predetermined range of the optimum exposure amount (column 5, lines 1-54).

As to claims 7 and 8, see examiner's comments regarding to claims 1 and 2.

As to claims 12-17, claims 12-17 are method claims of apparatus claims 1-2 and 4-5. Therefore claims 12-17 are rejected for the reasons given respect to claims 1-2 and 4-5.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mizokami et al. (US 4,584,610) discloses electronic photographing apparatus.

Alston et al. (US 4,647,975) discloses exposure control system for an electronic imaging camera having increased dynamic range.

Shimizu et al. (US 5,386,231) discloses video camera.

Takei (US 5,510,837) discloses automatic exposure control device performing weighted light measurement.

Mann (US 5,828,793) discloses method and apparatus for producing digital images having extended ranges.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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9/03/04

  
NGOC-YEN VU  
PRIMARY EXAMINER